

# WI Nutrient Management Regulations

## NR 151 & ATCP 50 rules

**Wisconsin Department of Agriculture,  
Trade and Consumer Protection**

Sue Porter

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Nutrient management and water quality



Nutrient management plans need to include every field that has mechanically applied nutrients. The farmer shall have and follow an annual NM plan when applying nutrients to any field. ATCP 50.04 (3)

**Nutrients** include nitrogen, phosphorus, and potassium from manure, legumes, organic byproducts, and commercial fertilizer.

Effective January 2008.

# When Are Producers Required to Have a Nutrient Management Plan?

- When participating in **farmland preservation program**
- When regulated under a **county ordinance** for manure storage or livestock siting
- When regulated under a DNR **WPDES** permit
- When offered [70%] **cost-share for NM or manure storage**
- Are required to prevent or **mitigate imminent harm** to waters of the state as an emergency or interim response to a grossly negligent pollution discharge

# Farmland Preservation

protecting water resources & soil productivity  
<http://workinglands.wi.gov>

**Working Lands Initiative** started July 1, 2009 for WI farmers to **decrease income tax due or increase tax refund** in exchange for keeping land in AG use and complying with soil and water conservation requirements using Schedule FC-A

**\$7.50/acre** in a **Certified farmland preservation zoning district**

**\$5.00/acre** if farmland preservation agreement in **Agricultural Enterprise Area AEA** (15 year agreements)

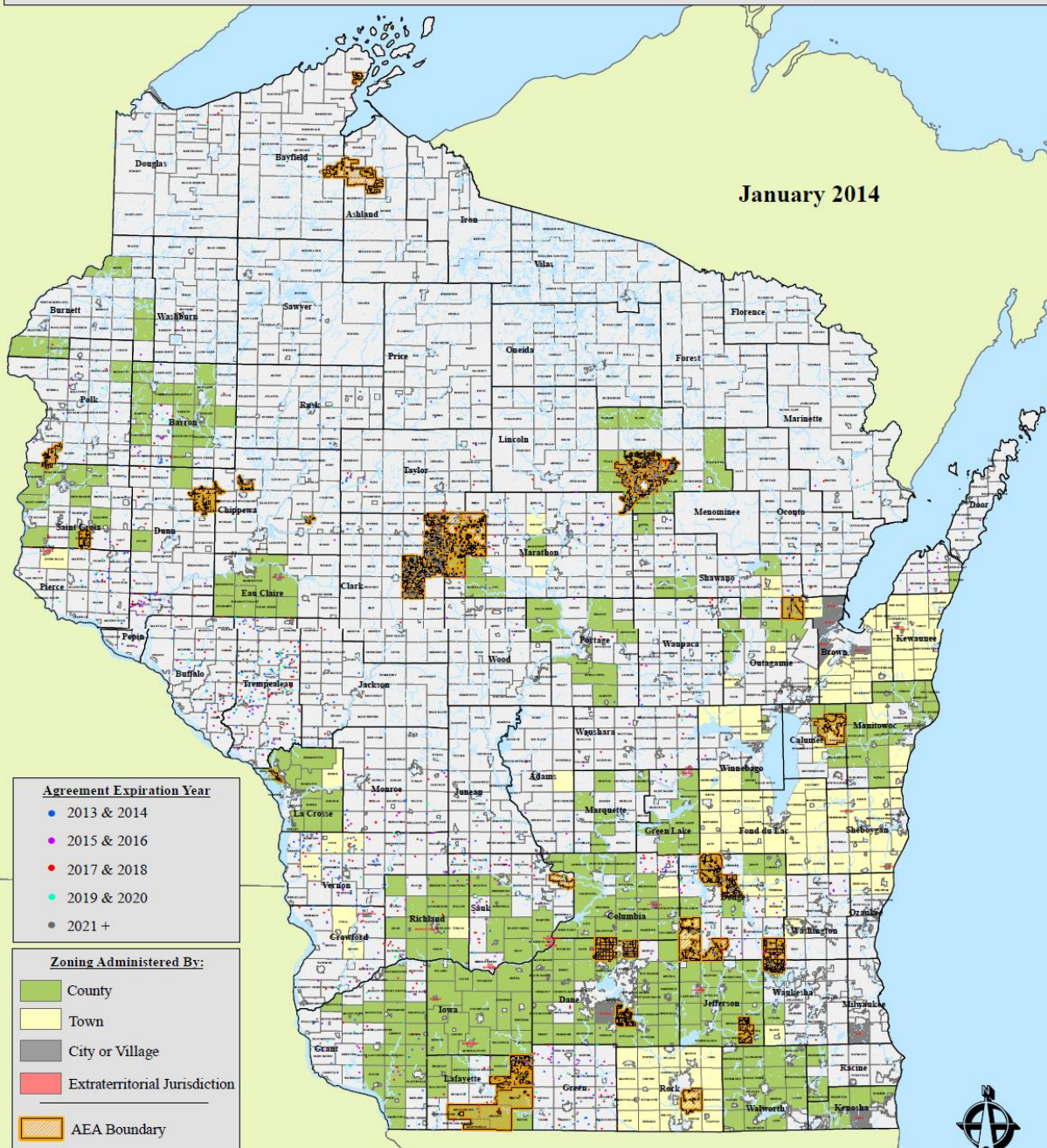
**\$10.00/acre** if agreement in **AEA and zoning**

Counties review compliance of the entire farm [Ch.91] under common ownership, owned by the same entity, even if the land in an adjoining jurisdiction is not eligible.

	% of all claimants	% Change from last year	Number of Counties	
14,125	100%	0%	70	Total Claimants 2012
10726	76%	56%	72	Farm inspection in the last 4 years 2013,12,11,10
1,108	8%	-4%	69	Unmodified Agreements prior to 2004 requiring soil conservation planning only (Schedule FC)
11,442	81%	-1%	65	2011 Exclusive agricultural zoning claimants requiring NR 151 perf. standards (Schedule FC-A)
855	6%	2%	64	Agreements since 2004 requiring NR 151 perf. standards (Schedule FC-A and FC)
1,079	8%	4%	55	Notices on NonCompliance issue in last 4 years
127	11%	7%	50	Cancellation of NonCompliance in last 4 years
9,864	70%	80%		Needing a Certificates of Compliance (Schedule FC-A)
3,345	24%	16%	71	Certificates of Compliance prepared (Schedule FC-A)

# Farmland Preservation Program Participation

January 2014

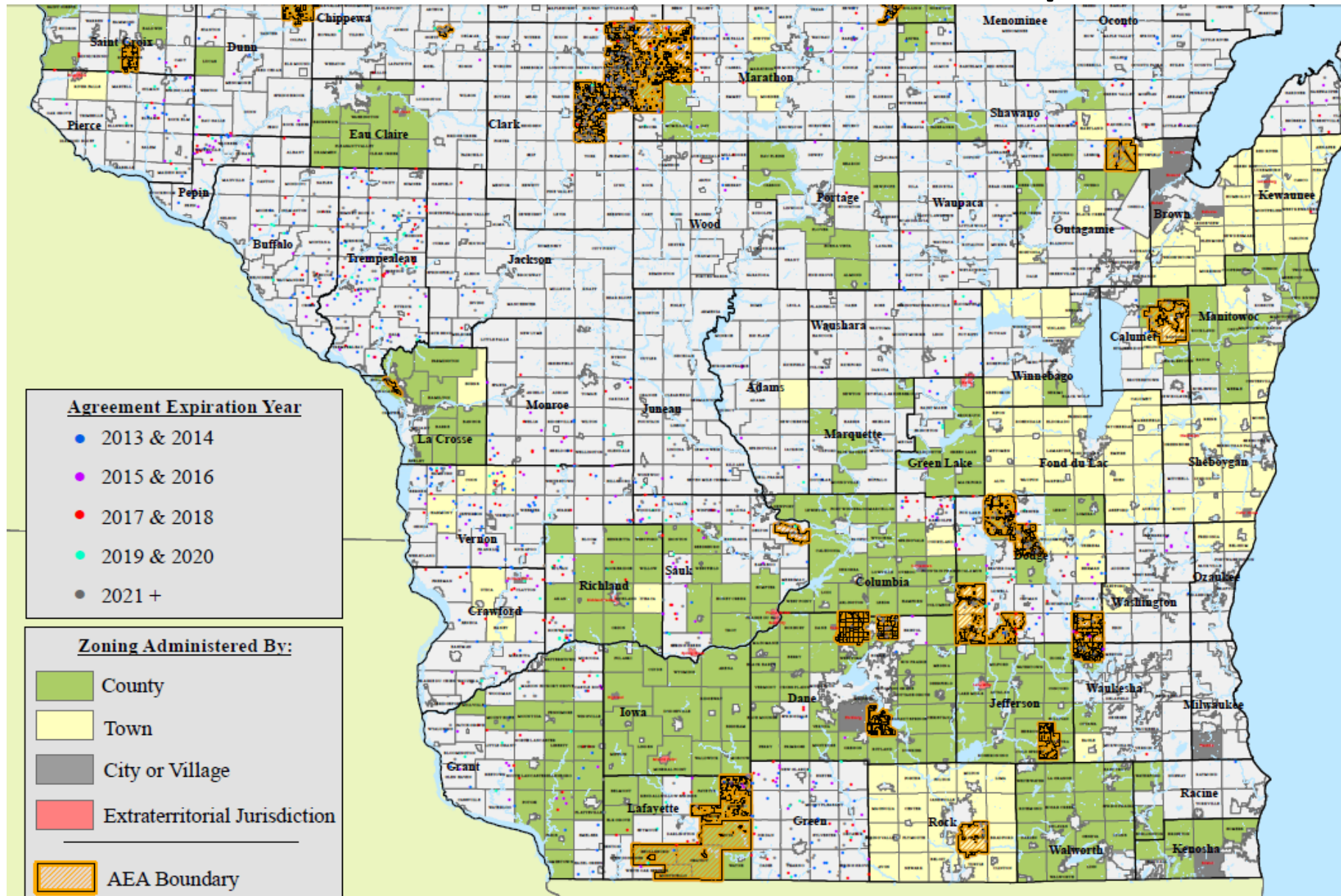


Over 200 claimants  
needing Certificate of  
Compliance by 2016 –  
**8,372 claimants**

Dane  
Fond du Lac  
Iowa  
Manitowoc  
Columbia  
Jefferson  
Sheboygan  
Grant  
Rock  
Dodge  
Kewaunee  
Outagamie  
Lafayette  
Richland  
Sauk  
Walworth  
Barron  
Shawano



# Farmland Preservation Participation



# What's in a Nutrient Management Plan?



- Accounts for **ALL** N-P-K nutrients for the crop rotation  
**UW Soil test need – nutrient credits = fertilizer to apply**
- Based on UW soil test recommendations (Pub.A2809) with sampling every 4 yrs (UW Pub. A2100, certified lab)
- Need to update plan annually to NRCS 590 NM Std. to feed crops and protect water with all nutrients applied
- Includes sensitive landscape features and related restrictions to better reduce risk of environmental damage



# WI Agricultural Water Quality Performance Standards

NR151 & ATCP 50 Wis. Admin. Codes

- **Meet tolerable soil loss (T) on fields that will include pastures**
- **Follow 590 NM plan technical standard that will include the Phosphorus Index with a tillage setback from surface water**
- **Prevent direct runoff from feedlots or stored manure to waters of the state**
- **Limit livestock access** along waters to maintain vegetative cover
- **Maintain manure storage** structures to prevent leaking and overflow
- **Follow manure storage technical standards** for constructing and abandoning

Near surface water or  
areas susceptible to groundwater contamination

- **Do not stack** manure in an unconfined pile
- **Divert clean water** away from feedlots, manure storage, and barnyards





Wisconsin Department of Agriculture, Trade and Consumer Protection  
*Division of Agricultural Resource Management*  
 PO Box 8911, Madison, WI 53708-8911  
 Phone: (608) 224-4622 Fax (608) 224-4615

## Certificate of Compliance with Soil & Water Conservation Standards

*(Farmland Preservation Program, ss. 91.80 and 91.82, Wis. Stats.)*

### Landowner Information *(To be completed by landowner)*

To claim the farmland preservation tax credit under subch. IX of ch. 71, Stats, this completed certificate of compliance must be submitted with your tax return filed with the Wisconsin Department of Revenue, beginning in tax year 2010 if you did not claim a tax credit for the preceding year.

LANDOWNER(S)

### Certification *(To be completed by the county land conservation committee)*

The undersigned, on behalf of the \_\_\_\_\_ County Land Conservation Committee, hereby certifies that the land identified on this form is a part of a farm, all of which is in compliance with soil and water conservation standards under s. 91.80, Wis. Stats.

#### Certification based upon:

☐ Farm Inspection

Date of Inspection:

☐ Other Demonstration of Compliance

Explanation:

Applicable Year:

AUTHORIZED SIGNATURE

DATE

**Property Location** *(To be completed by landowner)*

Please complete the table for all parcels under common ownership regardless of whether you are eligible to claim the farmland preservation tax credit on all parcels. Contact your local zoning authority to confirm whether your land is located in a farmland preservation zoning district (FP district). Contact your county conservation department to confirm whether you have a farmland preservation agreement (FP agreement). Attach additional sheets if necessary.

Township	Range	Section	Town, Village, City	Parcel Tax ID #	Total Acres in Parcel	Eligible Acres <sup>1</sup>		
						Total acres of parcel subject to FP Agreement and located in a FP District	Total acres of parcel located in FP District	Total acres of parcel covered by FP Agreement
T o w n s h i p	R a n g e	S e c t i o n		T a x  P a r c e l	T o t a l  a c r e s	\$10		
							\$7.50	
								\$5

*(Total number of eligible acres for which credit is claimed:)* \_\_\_\_\_



**Counties will help farmers implement current practices by 2016 for the Farmland Preservation Program participants**

**New NR 151 Perf. Stds. were incorporated into ATCP 50 May 2014 but not in effect until 2016**

- **Phosphorus Index (PI) an average rotational PI of 6 or less and an annual PI of less than 12**
- **Prohibits tillage 5 feet up to 20' (setback) from perennial surface water to protect bank integrity.**



## ATCP 50 clarifies PI on pastures

<b>Include a pasture in a NM Plans if:</b>	It receives mechanical applications of nutrients, then soil test	It is stocked at more than 1 animal unit per acre, then soil test or use 150 ppm P and 6% OM to meet NR 151
<b>A pasture does not need to be in a NM Plan if:</b>	It is a feedlot, then must comply with applicable NR 151	It only receives manure from grazing animals & is stocked at 1 animal unit per acre or less during the grazing season, not the winter

Calculate the PI in SnapPlus2

----- more pasture crop options & stocking rates

----- more user-friendly grazing manure application rate calculator

----- see PI of 6 across the rotation or PI of 12 annually in the Compliance Check



# ATCP 50 clarifies PI on pastures

## Grazing application rate estimator

Grazing Season: Grazing

Use herd information to fill daily manure production

Crop year: 2014

Herd name: Nonmilkers

Total daily herd manure production: 0.61 tons/day

Field/Pasture size: 8.3 acres

Days on pasture: 90 days

Percent of each day spent grazing: 100%

Estimated application rate: 6.6 tons/acre

Average animal units per acre over grazing season: 0.6

Visit <http://www.snapplus.wisc.edu/>



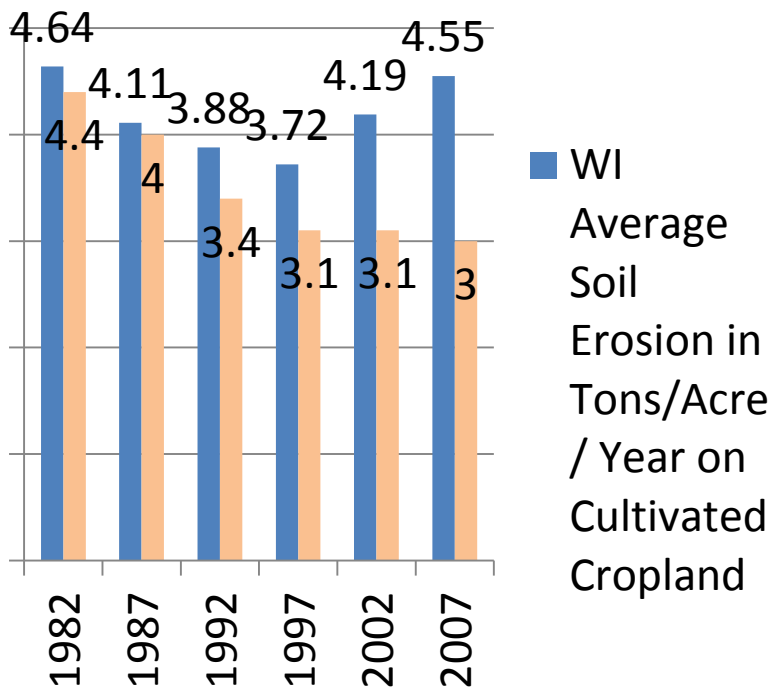
# Core Nutrient Management Principles

- Nutrient applications **must not run off** the intended application site
- Fields receiving nutrients must have sheet and rill soil erosion controlled to tolerable soil loss rates or “T” over the crop rotation
- Areas of concentrated flow, resulting in reoccurring gullies, must be protected with perennial vegetative cover

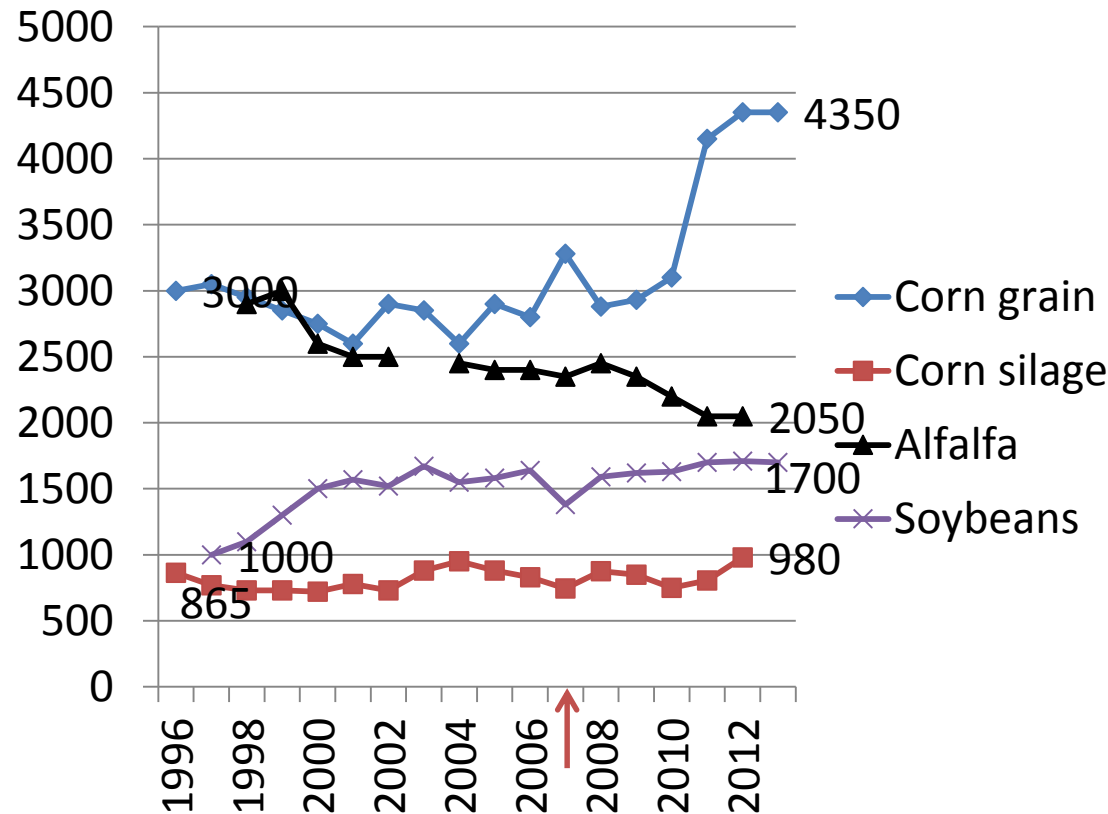


**Requires qualified planners to prepare the plan**  
**CCA's** (Certified Crop Adviser), **CPAg** (Professional Agronomist),  
**SSSA** (Soil Scientist), **CPCC** (Professional Crop Consultant), **farmer**  
**planners**

# WI USDA 2007 National Resources Inventory



# Agricultural Statistics Service Crop Acres in Thousands



# Runoff Tilled and No Till Soils





# Differences in Tilled and No Till Soils

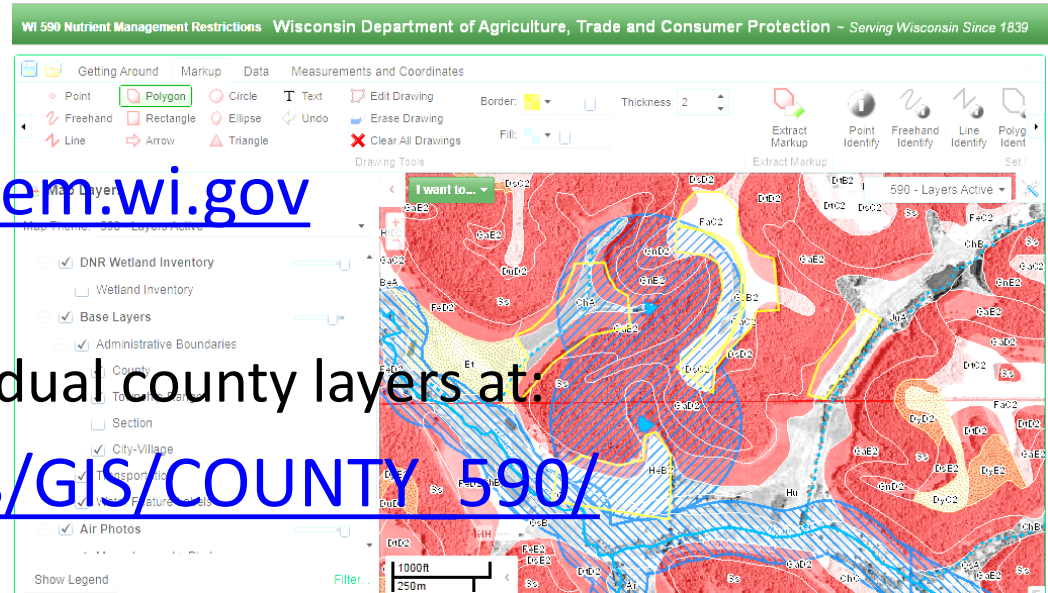


# Nutrient Management Planning Maps available from:

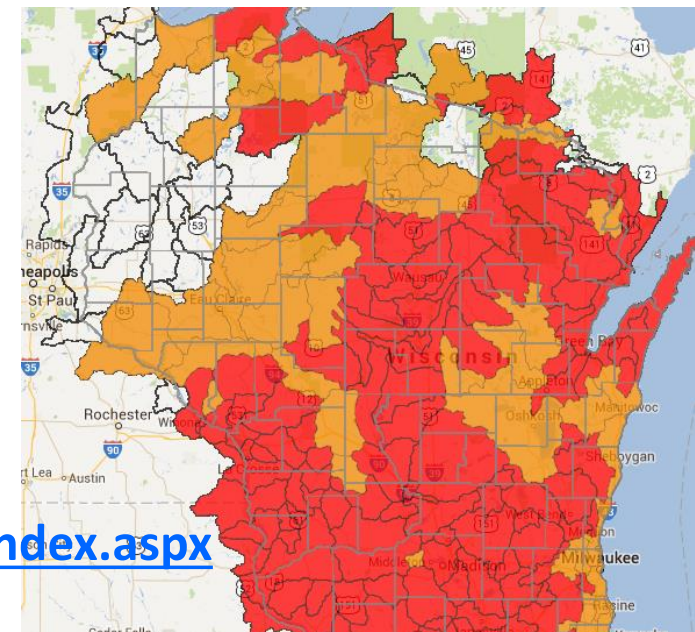
[www.manureadvisorysystem.wi.gov](http://www.manureadvisorysystem.wi.gov)

GIS users can download individual county layers at:

[ftp://ftp.datcp.state.wi.us/GIS/COUNTY\\_590/](ftp://ftp.datcp.state.wi.us/GIS/COUNTY_590/)

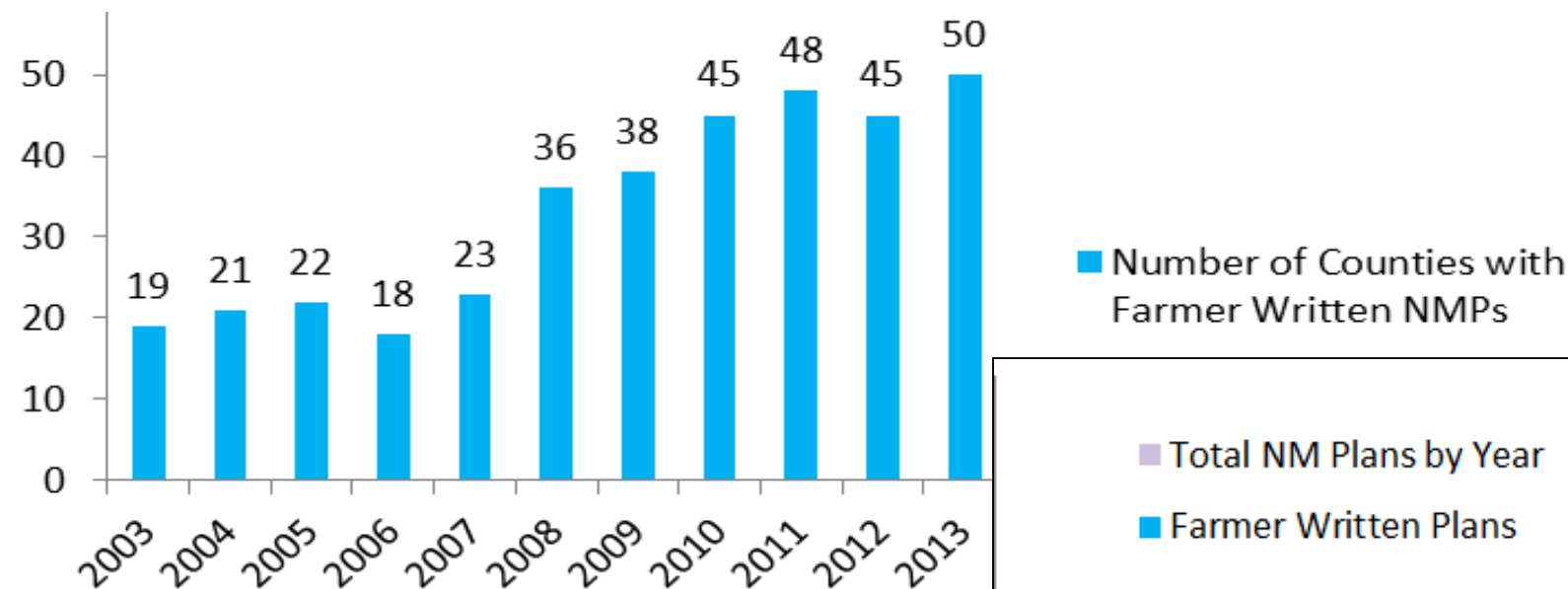


- Counties are under pressure to reduce water issues— Farmers don't want more regulations
- Help farmers identify vulnerable areas
- Check Forecast Maps to reduce application risks



[http://datcp.wi.gov/Farms/Nutrient\\_Management/index.aspx](http://datcp.wi.gov/Farms/Nutrient_Management/index.aspx)

# Counties with Farmer Written NMPs



Annually reviewed and updated 590 plans require qualified planners:

- Farmer planners
- CCA's (Certified Crop Adviser)
- CCA-PAg (Professional Agronomist)
- SSSA (Soil Scientist)
- CPCC (Professional Crop Consultant)

